

AMENDED IN ASSEMBLY APRIL 9, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1229

Introduced by Assembly Member Carter

February 23, 2007

An act to add Section 466.4 to the Penal Code, relating to criminal tools.

LEGISLATIVE COUNSEL’S DIGEST

AB 1229, as amended, Carter. Criminal tools.

Existing law makes it a misdemeanor to possess an object, as specified, designed to open, break into, or tamper with a coin-operated machine, punishable by up to one year imprisonment in the county or a fine of up to \$1,000.

This bill would make it a misdemeanor to possess an ATM card trapping device, *as defined*, punishable by up to one year imprisonment in the county or a fine of up to \$1,000.

Because this bill would create a new crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 466.4 is added to the Penal Code, to read:

466.4. (a) Every person who possesses an Automated Teller Machine (ATM) card trapping device *with the intent to commit theft*, is guilty of a misdemeanor, punishable by imprisonment in the county jail for not more than one year, by a fine not exceeding one thousand dollars (\$1,000), or by both a fine and imprisonment.

(b) *For purposes of this section, the term “Automated Teller Machine (ATM) card trapping device” means a device or an instrument designed to be inserted into an ATM in order to prevent an ATM card from being returned to its owner, and, upon removal from the ATM, allows the user of the trapping device to retrieve the card.*

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.